

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

**LOUISIANA WHOLESALE DRUG
COMPANY, INC., on behalf of itself and all
others similarly situated,**

Plaintiff,

v.

**ABBOTT LABORATORIES, FOURNIER
INDUSTRIE ET SANTE, AND
LABORATOIRES FOURNIER, S.A.,**

Defendants.

Civil Action No. 1:05-cv-00340-KAJ

**MEIJER, INC. and MEIJER DISTRIBUTION,
INC., on behalf of themselves and all others
similarly situated,**

Plaintiffs,

v.

**ABBOTT LABORATORIES, FOURNIER
INDUSTRIE ET SANTE, AND
LABORATOIRES FOURNIER, S.A.,**

Defendants.

Civil Action No. 1:05-cv-00358-KAJ

[Caption continued on following page.]

**MOTION FOR ENTRY OF PRETRIAL ORDER NO. 1 REGARDING
CONSOLIDATION OF DIRECT PURCHASER CLASS ACTIONS AND
COORDINATION OF DIRECT PURCHASER CLASS ACTIONS WITH DIRECT
PURCHASER INDIVIDUAL ACTIONS AND INDIRECT PURCHASER
ACTIONS**

**ROCHESTER DRUG CO-OPERATIVE INC.,
on behalf of itself and
all others similarly situated,**

Plaintiff,

v.

**ABBOTT LABORATORIES, FOURNIER
INDUSTRIE ET SANTE, AND
LABORATOIRES FOURNIER, S.A.,**

Defendants.

Civil Action No. 1:05-cv-00351-KAJ

**WALGREEN CO.; ECKERD CORPORATION;
THE KROGER CO., AND MAXI DRUG, INC.,**

Plaintiffs,

v.

**ABBOTT LABORATORIES, FOURNIER
INDUSTRIE ET SANTE, AND
LABORATOIRES FOURNIER, S.A.,**

Defendants.

Civil Action No. 1:05-cv-00404-KAJ

Plaintiffs in the above captioned actions ("Plaintiffs") hereby move for entry of Case Management Order No.1, attached hereto as Exhibit 1. Plaintiffs, direct purchasers or assignees of direct purchasers, filed actions against Abbott Laboratories, Fournier Industrie et Sante, and Laboratoires Fournier, S.A., (collectively, "Defendants") in the United States District Court for the District of Delaware (Civil Action numbers 1:05-cv-00340-KAJ; 1:05-cv-00358-KAJ; 1:05-cv-00351-KAJ, and 1:05-cv-00404-KAJ, respectively). Plaintiffs seek to recover overcharge damages resulting from Defendants' alleged exclusion of competition from the fenofibrate market in violation of Section 2 of the Sherman Act, 15 U.S.C. § 2.

Defendants have indicated that they will be filing motions to dismiss in each of the above-captioned actions. In order to promote judicial economy and avoid duplication, Plaintiffs move the Court to provide for the consolidation and/or coordination of these actions and any other class actions filed in or transferred into this District on behalf of direct purchasers, and for an organization of plaintiffs' counsel as set forth in Case Management Order No. 1.

Based upon the foregoing, Plaintiffs waive the opportunity to file an opening brief (per D.Del. LR 7.1.2(a), and respectfully request that Case Management Order No. 1 be entered.

Respectfully submitted,

July 25, 2005

/s/ Jeffrey S. Goddess
Jeffrey S. Goddess
(Del. Bar No. 630)
ROSENTHAL, MONHAIT, GROSS
& GODDESS, P.A.
919 Market Street, Suite 1401
P.O. Box 1070
Wilmington, Delaware 19899-1070
jgoddess@rmgglaw.com
Tel: 302-656-4433
Fax: 302-658-7567

Bruce E. Gerstein
Barry S. Taus
Adam Steinfeld
**GARWIN, BRONZAFT,
GERSTEIN & FISHER, L.L.P.**
1501 Broadway, Suite 1416
New York, NY 10036
Tel: (212) 398-0055
Fax: (212) 764-6620

Daniel Berger
David F. Sorensen
Eric L. Cramer
BERGER & MONTAGUE, P.C.
1622 Locust Street
Philadelphia, PA 19103-6365
Tel: (215) 875-3026
Fax: (215) 875-4671

John G. Odom
Stuart Des Roches
ODOM & DES ROCHES, L.L.P.
650 Poydras Street
Suite 2020
New Orleans, LA 70130
Tel: (504) 522-0077
Fax: (504) 522-0078

David P. Smith
PERCY, SMITH & FOOTE
720 Murray Street
P.O. Box 1632
Alexandria, LA 71309
Tel: (318) 445-5580
Fax: (318) 487-1741

Linda Nussbaum
**COHEN, MILSTEIN,
HAUSFELD & TOLL, P.L.L.C.**
150 East 52nd Street
Thirtieth Floor
New York, NY 10022
Tel: (212) 838-7797
Fax: (212) 838-7745

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2005, I electronically filed a Motion and [Proposed] Order for Entry of Pretrial Order No. 1 Regarding Consolidation of Direct Purchaser Class Actions and Coordination of Direct Purchaser Class Actions With Direct Purchaser Individual Actions and Indirect Purchaser Actions using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused a copy of the aforementioned document to be delivered via e-mail to the following attorneys appearing for the defendants in the related action, D.Del. C.A. No. 02-1512 KAJ.

Mary B. Graham, Esquire
Morris, Nichols, Arsht & Tunnell
1201 N. Market Street
Wilmington, DE 19801
mgraham@mnat.com

Frederick L. Cottrell, III, Esquire
Richards, Layton & Finger
One Rodney Square
920 N. King Street
Wilmington, DE 19801
Cottrell@rlf.com

/s/ Jeffrey S. Goddess
Jeffrey S. Goddess (DSBA No. 630)
Rosenthal, Monhait, Gross
& Goddess, P.A.
Suite 1401, 919 Market Street
P.O. Box 1070
Wilmington, DE 19899-1070
(302) 656-4433
jgoddess@rmgglaw.com